

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 4, 2021

Hearing Room

5A

9:30 AM

8:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Meeting URL: <https://cacb.zoomgov.com/j/1618450939>

Meeting ID: 161 845 0939

Password: 448977

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Smith by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Erithe A. Smith's Cases" on the Court's website at:
<https://www.cacb.uscourts.gov/judges/honorable-erithe-smith> under the

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"Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect 10 minutes before your hearing time so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.

Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

**United States Bankruptcy Court
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9:30 AM

8:20-11977 SC Development Fund, LLC

Chapter 7

Adv#: 8:20-01135 Zhang et al v. SC Development Fund, LLC et al

#1.00 PRETRIAL CONFERENCE RE: First Amended Adversary Complaint For 1. Equitable Subordination under 11 USC Section 510 (c) ; 2. Preliminary Injunctive Relief; 3. Injunctive Relief; 4. Declaratory Relief; 5. Fraud; 6. Conspiracy To Commit Fraud; 7. Disallowance Of Claims under 11 USC Section 502(a), (d), (e); 8. Fraudulent Transfer under 11 USC Section 548; 9. Constructive Fraudulent Transfer under 11 USC Sections 544, 550, 551 California Civil Code Sections 3439.05 and 3439.07

(Another Summons Issued 10-14-20)
FR: 1-7-21; 4-8-21

Docket 5

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 7, 2021

Continue Status Conference to April 8, 2021 at 9:30 a.m.; an updated Joint Status Report must be filed by March 25, 2021. (XX)

Note: If the parties accept the foregoing tentative ruling, appearances at this hearing are not required; Plaintiff shall serve notice of the continued hearing date/time.

April 8, 2021

Discovery Cut-off Date:

Aug. 31, 2021

Deadline to Attend Mandatory Mediation:

Sept. 30, 2021

Pretrial Conference Date:

Nov. 4, 2021 at 9:30

am

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CONT... SC Development Fund, LLC

Chapter 7

Deadline to File Pretrial Stipulation:

Oct. 21, 2021

Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.

November 4, 2021

Continue the Pretrial Conference to December 16, 2021 at 9:30 a.m.; Pretrial Stipulation must be filed no later than December 2, 2021. The court will also issue an Order to Show Cause Why This Adversary Proceeding Should Not Be Dismissed For Lack of Prosecution ("OSC"). The OSC hearing shall be held on the same date/time as the continued Pretrial Conference.

Basis for Tentative Ruling:

At the April 8, 2021 Status Conference, the court adopted its tentative ruling setting this date/time for the Pretrial Conference and requiring that a Joint Pretrial Stipulation be filed no later than October 21, 2021. The court also directed Plaintiff to lodge an order consistent with the tentative ruling. Plaintiff did not lodge such an order and has not filed a Pretrial Stipulation as required by Local Bankruptcy Rule 7016-1.

Note: If all parties accept the foregoing tentative ruling, appearances at this hearing will not be required and Defendant Trustee shall lodge an order consistent with the same. The court will issue its own OSC.

Party Information

Debtor(s):

SC Development Fund, LLC

Represented By
Keith S Dobbins

Defendant(s):

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CONT... SC Development Fund, LLC

Chapter 7

SC Development Fund, LLC

Pro Se

Weneta M Kosmala

Pro Se

Plaintiff(s):

Hui Xiu Zhang

Represented By
Long Z Liu

Jumbo Investment, Inc.

Represented By
Long Z Liu

Trustee(s):

Weneta M.A. Kosmala (TR)

Represented By
Beth Gaschen
Jeffrey I Golden

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9:30 AM

8:21-10323 Andrew Michael Murphy

Chapter 7

Adv#: 8:21-01021 Murphy v. Granite State Management et al

#2.00 STATUS CONFERENCE RE: Complaint/Motion to Include Student Loan and Bar Study Loan in Discharge §523(a)(8)

(Another Summons Issued 8-16-21)

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 4, 2021

Continue the Status Conference to December 9, 2021 at 9:30 a.m. A Joint Status Report must be filed by December 2, 2021. Defendant Sallie Mae must either file an answer or other responsive pleading no later than November 18, 2021. Both parties to appear and advise the court why it should not impose sanctions in the amount of \$100.00 against each party for the failure to timely file a Joint Status Report in accordance with Local Bankruptcy Rule 7016-1.

Basis for Tentative Ruling:

1. Neither Plaintiff or Defendant has filed a proper Joint Status Report.
2. Defendant Sallie Mae filed an "opposition" in which it appears to improperly request relief from this court in the form of dismissal of the adversary proceeding. As Defendant must know, the court will not grant *any* relief without a properly filed motion that is timely served on the opposing with notice of the deadline to file an opposition in accordance with applicable rules. As the relief sought in the opposition is not properly before the court, *it will not be considered or discussed in substance* at this Status Conference.
3. The court may deem a writing filed by a *pro se* litigant to be a complaint.

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CONT... Andrew Michael Murphy

Chapter 7

Party Information

Debtor(s):

Andrew Michael Murphy	Pro Se
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Defendant(s):

Granite State Management	Pro Se
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Sallie Mae	Pro Se
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Plaintiff(s):

Andrew Murphy	Pro Se
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Trustee(s):

Weneta M.A. Kosmala (TR)	Pro Se
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United States Bankruptcy Court
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9:30 AM

8:21-10485 Alan Dickinson

Chapter 7

Adv#: 8:21-01035 Lenhardt et al v. Dickinson et al

#3.00 STATUS CONFERENCE RE: Cross Complaint

Docket 23

Courtroom Deputy:

**SPECIAL NOTE: Status Conference on Original Complaint set for
9/9/2021 at 9:30 a.m. - td (8/23/2021)**

Tentative Ruling:

November 4, 2021

Discovery Cut-off Date:	Mar. 4, 2022
Deadline to Attend Mandatory Mediation:	Jan. 21, 2022
Pretrial Conference Date:	Apr. 21, 2022 at 9:30 a.m.
Deadline to Lodge Joint Pretrial Stipulation:	Apr. 7, 2022

Special Note: The court has observed that discovery motions have been filed on a "no hearing" basis. All discovery motions must be set for hearing in accordance with the court's calendaring procedures. Further, any party seeking resolution of a discovery dispute must comply with all provisions of Local Bankruptcy Rule (LBR) 7026-1(c).

Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.

Party Information

Debtor(s):

Alan Dickinson

Represented By

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9:30 AM

CONT...

Alan Dickinson

Christopher J Langley

Chapter 7

Defendant(s):

Alan Dale Dickinson

Pro Se

Plaintiff(s):

David P. Lenhardt

Represented By
Adrianos Facchetti

Fred Scott Peters

Represented By
Adrianos Facchetti

Trustee(s):

Weneta M.A. Kosmala (TR)

Pro Se

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9:30 AM

8:21-10485 Alan Dickinson

Chapter 7

Adv#: 8:21-01037 Golden Rain Foundation of Laguna Woods v. Dickinson et al

#4.00 STATUS CONFERENCE RE: Cross Complaint

Docket 19

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 4, 2021

Discovery Cut-off Date:	Mar. 4, 2022
Deadline to Attend Mandatory Mediation:	Jan. 21, 2022
Pretrial Conference Date:	Apr. 21, 2022 at 9:30 a.m.
Deadline to Lodge Joint Pretrial Stipulation:	Apr. 7, 2022

Special Note: The court has observed that discovery motions have been filed on a "no hearing" basis. All discovery motions must be set for hearing in accordance with the court's calendaring procedures. Further, any party seeking resolution of a discovery dispute must comply with all provisions of Local Bankruptcy Rule (LBR) 7026-1(c).

Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.

Party Information

Debtor(s):

Alan Dickinson

Represented By
Christopher J Langley

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CONT... Alan Dickinson

Chapter 7

Defendant(s):

Alan Dale Dickinson

Pro Se

Plaintiff(s):

Golden Rain Foundation of Laguna

Represented By
Fred S Peters

Trustee(s):

Weneta M.A. Kosmala (TR)

Pro Se

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10:00 AM

8:18-14035 William Raymond Harvey and Akram Naieharvey

Chapter 13

#5.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

SELECT PORTFOLIO SERVICING INC.

VS.

DEBTORS

Docket 128

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 4, 2021

Grant with 4001(a)(3) waiver.

Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.

Party Information

Debtor(s):

William Raymond Harvey

Represented By
Farbood Majd

Joint Debtor(s):

Akram Naieharvey

Represented By
Farbood Majd

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CONT... William Raymond Harvey and Akram Naieharvey

Chapter 13

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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10:00 AM

8:21-10513 Rosa A Fridman

Chapter 7

#6.00 Hearing RE: Motion for relief from automatic stay
[ACTION IN NON-BANKRUPTCY FORUM]

KARL AVETOOM

VS.

DEBTOR

Docket 97

***** VACATED *** REASON: OFF CALENDAR: Notice of Withdrawal of
Motion, filed 10/29/2021**

Courtroom Deputy:

**OFF CALENDAR: Notice of Withdrawal of Motion, filed 10/29/2021 - td
(10/29/2021)**

Tentative Ruling:

Party Information

Debtor(s):

Rosa A Fridman

Represented By
Scott Talkov

Trustee(s):

Karl T Anderson (TR)

Represented By
Melissa Davis Lowe

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10:00 AM

8:21-12098 Marco Antonio Ramirez Contreras

Chapter 7

#7.00 Hearing RE: Motion for relief from the automatic stay -[PERSONAL PROPERTY]

AMERICAN FINANCIAL SERVICES, INC.

VS.

DEBTOR

Docket 10

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 4, 2021

Grant with 4001(a)(3) waiver.

Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.

Party Information

Debtor(s):

Marco Antonio Ramirez Contreras

Represented By
Chris T Nguyen

Movant(s):

AmeriCredit Financial Services, Inc.

Represented By
Sheryl K Ith

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CONT... Marco Antonio Ramirez Contreras

Chapter 7

Trustee(s):

Richard A Marshack (TR)

Pro Se

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10:00 AM

8:21-11935 Edith Alatorre

Chapter 13

#7.10 CON'TD Hearing RE: Motion for relief from the automatic stay
[REAL PROPERTY]

WILMINGTON TRUST, N.A.

VS.

DEBTOR

FR: 10-21-21

Docket 23

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 21, 2021

Grant motion without 4001(a)(3) waiver and with co-debtor relief BUT no trustee's sale prior to December 21, 2021.

Note: If both parties accept the tentative ruling, appearances at this hearing are not required.

November 4, 2021

The parties are to advise the court re the status of this matter. If a further continuance is required, such a continuance may be requested during the calendar roll call by the clerk. Available continued dates: December 9 or December 16, 2021 at 10:00 a.m.

Party Information

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CONT... Edith Alatorre

Chapter 13

Debtor(s):

Edith Alatorre

Represented By
Sunita N Sood

Movant(s):

Wilmington Trust, National

Represented By
Darlene C Vigil

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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10:00 AM

8:21-12251 Paul Joseph Elwart and Angela Elli Elwart

Chapter 13

#8.00 Hearing RE: Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate

Docket 15

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 4, 2021

Grant motion on the following condition: If this case is dismissed for any reason prior to confirmation of a plan or within twelve months of an order confirming a chapter 13 plan in this case, the case will be dismissed with a twenty-four month bar against refiling another bankruptcy case under any chapter.

Basis for Tentative Ruling

This is the eighth chapter 13 case filed since 2017. All seven of the prior cases were dismissed. Due to recent unforeseen circumstances befalling Debtors, the court will permit one final opportunity to demonstrate an ability to successfully confirm and perform under a chapter 11 plan

Note: This matter appears to be uncontested. Accordingly, no court appearance is required if Movants accept the foregoing tentative ruling. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.

Party Information

Debtor(s):

Paul Joseph Elwart

Represented By
Paul Y Lee

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CONT... Paul Joseph Elwart and Angela Elli Elwart

Chapter 13

Joint Debtor(s):

Angela Elli Elwart

Represented By
Paul Y Lee

Movant(s):

Paul Joseph Elwart

Represented By
Paul Y Lee

Angela Elli Elwart

Represented By
Paul Y Lee

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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10:00 AM

8:21-12425 Kalani James Robert Green

Chapter 13

#9.00 Hearing RE: Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate

Docket 11

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 4, 2021

Grant motion.

Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.

Party Information

Debtor(s):

Kalani James Robert Green

Represented By
Rabin J Pournazarian

Movant(s):

Kalani James Robert Green

Represented By
Rabin J Pournazarian
Rabin J Pournazarian

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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10:30 AM

8:16-11882 Stephen J Haythorne

Chapter 7

Adv#: 8:16-01247 Damon v. Haythorne

#10.00 CON'TD Examination of Judgment Debtor/Third Person Kelli R. Haythorne RE:
Enforcement of Judgment

FR: 7-16-19; 8-15-19; 10-17-19; 11-21-19; 1-30-20; 4-2-20; 6-11-20; 9-10-20;
11-19-20; 1-14-21; 3-11-21; 5-11-21; 7-1-21; 9-2-21

Docket 130

***** VACATED *** REASON: CONTINUED TO 1/6/2022 AT 10:30 A.M.,
IN PERSON, Per Order Entered 11/1/2021 (XX)**

Courtroom Deputy:

**CONTINUED: Examination Continued to 1/6/2022 at 10:30 a.m. [In
Person], Per Order Entered 11/1/2021 (XX) - td (11/1/2021)**

Tentative Ruling:

SPECIAL IMPORTANT NOTICE! In order to mitigate the spread of the COVID-19 virus, notice is hereby given that ALL hearings before Judge Smith will be by TELEPHONE APPEARANCE ONLY until further notice. The courtroom will be locked. Any party who wishes to appear must register in advance by contacting CourtCall at (866) 582-6878. It is suggested that parties register with CourtCall at least 30 minutes prior to the hearing. Through September 30, 2020, CourtCall is offering discounted registration for attorneys and free registration for parties without an attorney.

July 16, 2019

Kelli Haythorne to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.

August 8, 2019

Kelli Haythorne to appear in court to be sworn in by the court clerk; the

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10:30 AM

CONT... Stephen J Haythorne

Chapter 7

examination will take place outside the courtroom.

August 15, 2019

Kelli Haythorne to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.

October 17, 2019

Judgment creditor has not sought the issuance of an OSC re contempt. Continue hearing to November 21, 2019 at 10:30 a.m. Any motion for OSC re contempt may be heard on the same date.

November 21, 2019

Judgment creditor to advise the court re the status of this matter. The court notes that judgment creditor has not sought the issuance of an OSC re contempt.

January 30, 2020

Judgment creditor to advise the court re the status of this matter, e.g., production of documents. Kelli Haythorne to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom (no doctor's note was filed by January 16, 2020 excusing her appearance).

June 4, 2020

Continue the examination to September 10, 2020 at 10:00 a.m.

Basis for Tentative Ruling

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CONT... Stephen J Haythorne

Chapter 7

The courthouse remains closed to in-person court appearances and on-site in-person judgment debtor examinations. Judgment creditor is free to schedule an examination outside the courthouse, including by video conference, prior to September 10, 2020. Depending on the status of pandemic-related rules and policies in place on September 1, 2020, the September 10, 2020 hearing may be further continued.

Note: If the Judgment Creditor accepts the foregoing tentative ruling, appearance at this hearing is not required and Judgment Creditor shall serve notice of the continued hearing date/time. Non-appearance at the hearing will be deemed acceptance of the tentative ruling.

September 10, 2020

Continue the examination to November 19, 2020 at 10:00 a.m. (XX)

Basis for Tentative Ruling

The courthouse is currently closed to in-person court appearances and on-site in-person judgment debtor examinations. Judgment creditor is free to schedule an examination outside the courthouse, including by video conference, prior to November 19, 2020. Depending on the status of pandemic-related rules and policies in place on November 19, 2020, the examination may be further continued.

Note: If the Judgment Creditor accepts the foregoing tentative ruling, appearance at this hearing is not required and Judgment Creditor shall serve notice of the continued hearing date/time. Non-appearance at the hearing will be deemed acceptance of the tentative ruling.

Party Information

Debtor(s):

Stephen J Haythorne

Represented By
David S Henshaw

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CONT... Stephen J Haythorne

Chapter 7

Defendant(s):

Stephen J Haythorne

Pro Se

Plaintiff(s):

Hugh C Damon

Represented By
Robert P Goe
Charity J Manee

Trustee(s):

Weneta M Kosmala (TR)

Pro Se

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8:16-11882 Stephen J Haythorne

Chapter 7

Adv#: 8:16-01247 Damon v. Haythorne

#11.00 CON'TD Examination of Judgment Debtor Stephen J. Haythorne RE:
Enforcement of Judgment

FR: 7-16-19; 8-15-19; 10-17-19; 11-21-19; 1-30-20; 4-2-20; 6-11-20; 9-10-20;
11-19-20; 1-14-21; 3-11-21; 5-11-21; 7-1-21; 9-2-21

Docket 128

***** VACATED *** REASON: CONTINUED TO 1/6/2022 AT 10:30 A.M.,
IN PERSON, Per Order Entered 11/1/2021 (XX)**

Courtroom Deputy:

**CONTINUED: Examination Continued to 1/6/2022 at 10:30 a.m.[In
Person], Per Order Entered 11/1/2021 (XX) - td (11/1/2021)**

Tentative Ruling:

SPECIAL IMPORTANT NOTICE! In order to mitigate the spread of the COVID-19 virus, notice is hereby given that ALL hearings before Judge Smith will be by TELEPHONE APPEARANCE ONLY until further notice. The courtroom will be locked. Any party who wishes to appear must register in advance by contacting CourtCall at (866) 582-6878. It is suggested that parties register with CourtCall at least 30 minutes prior to the hearing. Through September 30, 2020, CourtCall is offering discounted registration for attorneys and free registration for parties without an attorney.

July 16, 2019

Stephen Haythorne to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.

August 8, 2019

Stephen Haythorne to appear in court to be sworn in by the court clerk; the

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CONT... Stephen J Haythorne

Chapter 7

examination will take place outside the courtroom.

August 15, 2019

Stephen Haythorne to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.

October 17, 2019

Judgment creditor has not sought the issuance of an OSC re contempt. Continue hearing to November 21, 2019 at 10:30 a.m. Any motion for OSC re contempt may be heard on the same date.

November 21, 2019

Judgment creditor to advise the court re the status of this matter. The court notes that judgment creditor has not sought the issuance of an OSC re contempt.

January 30, 2020

Judgment creditor to advise the court re the status of this matter, e.g., production of documents. Stephen Haythorne to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.

June 11, 2020

Continue the examination to September 10, 2020 at 10:00 a.m.

Basis for Tentative Ruling

The courthouse remains closed to in-person court appearances and on-site

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CONT... Stephen J Haythorne

Chapter 7

in-person judgment debtor examinations. Judgment creditor is free to schedule an examination outside the courthouse, including by video conference, prior to September 10, 2020. Depending on the status of pandemic-related rules and policies in place on September 1, 2020, the September 10, 2020 hearing may be further continued.

Note: If the Judgment Creditor accepts the foregoing tentative ruling, appearance at this hearing is not required and Judgment Creditor shall serve notice of the continued hearing date/time. Non-appearance at the hearing will be deemed acceptance of the tentative ruling.

September 10, 2020

Continue the examination to November 19, 2020 at 10:00 a.m. (XX)

Basis for Tentative Ruling

The courthouse is currently closed to in-person court appearances and on-site in-person judgment debtor examinations. Judgment creditor is free to schedule an examination outside the courthouse, including by video conference, prior to November 19, 2020. Depending on the status of pandemic-related rules and policies in place on November 19, 2020, the examination may be further continued.

Note: If the Judgment Creditor accepts the foregoing tentative ruling, appearance at this hearing is not required and Judgment Creditor shall serve notice of the continued hearing date/time. Non-appearance at the hearing will be deemed acceptance of the tentative ruling.

Party Information

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10:30 AM

CONT... Stephen J Haythorne

Chapter 7

Debtor(s):

Stephen J Haythorne

Represented By
David S Henshaw

Defendant(s):

Stephen J Haythorne

Pro Se

Plaintiff(s):

Hugh C Damon

Represented By
Robert P Goe
Charity J Manee

Trustee(s):

Weneta M Kosmala (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, November 4, 2021

Hearing Room

5A

10:30 AM

8:18-10548 Lenore LuAnn Albert-Sheridan

Chapter 7

#12.00 Hearing RE: Application by Chapter 7 Trustee to Employ Hahn Fife & Company
LLP as Accountant

Docket 627

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 4, 2021

Approve employment application. Overrule Debtor's objections.

Basis for Tentative Ruling:

Trustee has met all the requirements for employment of the accountant required by Bankruptcy Code Section 327(a), FRBP 2014 and LBR 2014-1. Debtor has not presented any factual or legal basis for denial of the application. Moreover, Debtor will receive notice of any fee application and will have an opportunity to be heard on the reasonableness of any such fees prior to the court's approval of the same.

Party Information

Debtor(s):

Lenore LuAnn Albert-Sheridan

Pro Se

Trustee(s):

Jeffrey I Golden (TR)

Represented By

Jonathan A. Michaels

Eric P Israel

Aaron E DE Leest

Sonia Singh

**United States Bankruptcy Court
Central District of California
Santa Ana
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Thursday, November 4, 2021

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5A

10:30 AM

8:18-13638 Friendly Village MHP Associates LP

Chapter 7

#13.00 Hearing Re: Trustee's Final Report and Application For Compensation:

[RICHARD A. MARSHACK, CHAPTER 7 TRUSTEE]

Docket 662

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 4, 2021

Approve fees and expenses as requested.

Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.

Party Information

Debtor(s):

Friendly Village MHP Associates LP

Represented By
Howard Camhi

Trustee(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
Kristine A Thagard
Arthur Grebow
David Wood
Tinho Mang
Stefan Perovich

**United States Bankruptcy Court
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CONT... Friendly Village MHP Associates LP

Chapter 7

**United States Bankruptcy Court
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5A

10:30 AM

8:18-13638 Friendly Village MHP Associates LP

Chapter 7

#14.00 Hearing RE: Third and Final Application for Allowance of Fees and Reimbursement of Expenses

[MARSHACK HAYS LLP, ATTORNEYS FOR CHAPTER 7 TRUSTEE]

Docket 652

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 4, 2021

Approve fees and expenses as requested.

Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.

Party Information

Debtor(s):

Friendly Village MHP Associates LP

Represented By
Howard Camhi

Trustee(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
Kristine A Thagard
Arthur Grebow
David Wood
Tinho Mang
Stefan Perovich

**United States Bankruptcy Court
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CONT... Friendly Village MHP Associates LP

Chapter 7

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10:30 AM

8:18-13638 Friendly Village MHP Associates LP

Chapter 7

#15.00 Hearing RE: First and Final Application for Compensation and Reimbursement of Expenses

[GROBSTEIN TEEPLE, LLP AS ACCOUNTANTS FOR THE CHAPTER 7 TRUSTEE]

Docket 639

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 4, 2021

Approve fees and expenses as requested.

Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.

Party Information

Debtor(s):

Friendly Village MHP Associates LP

Represented By
Howard Camhi

Trustee(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
Kristine A Thagard
Arthur Grebow
David Wood
Tinho Mang

**United States Bankruptcy Court
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CONT...

Friendly Village MHP Associates LP

Stefan Perovich

Chapter 7

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10:30 AM

8:18-13638 Friendly Village MHP Associates LP

Chapter 7

#16.00 Hearing RE: Application for Payment of Final Fees and/or Expenses

[INVESTORS' PROPERTY SERVICES, PROPERTY MANAGER]

Docket 668

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 4, 2021

Approve fees and expenses as requested.

Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.

Party Information

Debtor(s):

Friendly Village MHP Associates LP

Represented By
Howard Camhi

Trustee(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
Kristine A Thagard
Arthur Grebow
David Wood
Tinho Mang
Stefan Perovich

**United States Bankruptcy Court
Central District of California
Santa Ana
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10:30 AM

8:18-13864 Friendly Village GP, LLC

Chapter 7

#17.00 Hearing Re: Trustee's Final Report And Application For Compensation:

[RICHARD A. MARSHACK, CHAPTER 7 TRUSTEE]

Docket 332

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 4, 2021

Approve fees and expenses as requested.

Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.

Party Information

Debtor(s):

Friendly Village GP, LLC

Represented By
Howard Camhi

Trustee(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
David Wood
Kristine A Thagard

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10:30 AM

8:18-13864 Friendly Village GP, LLC

Chapter 7

#18.00 Hearing RE: Application for Allowance of Fees and Reimbursement of Expenses

[MARSHACK HAYS LLP, ATTORNEYS FOR CHAPTER 7 TRUSTEE]

Docket 327

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 4, 2021

Approve fees and expenses as requested.

Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.

Party Information

Debtor(s):

Friendly Village GP, LLC

Represented By
Howard Camhi

Trustee(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
David Wood
Kristine A Thagard

**United States Bankruptcy Court
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10:30 AM

8:18-13864 Friendly Village GP, LLC

Chapter 7

#19.00 Hearing RE: First and Final Application for Compensation and Reimbursement of Expenses

[GROBSTEIN TEEPLE, LLP AS ACCOUNTANTS FOR THE CHAPTER 7 TRUSTEE]

Docket 326

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 4, 2021

Approve fees and expenses as requested.

Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.

Party Information

Debtor(s):

Friendly Village GP, LLC

Represented By
Howard Camhi

Trustee(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
David Wood
Kristine A Thagard

**United States Bankruptcy Court
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10:30 AM

8:19-13722 Lester Franklin Stevens, Jr. and Nancy Ashley Stevens

Chapter 13

#20.00 Hearing RE: Debtors' Motion for Authority to Incur Debt Re: Real Property

Docket 69

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 4, 2021

Grant Motion.

Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.

Party Information

Debtor(s):

Lester Franklin Stevens Jr.

Represented By
Jacqueline D Serrao

Joint Debtor(s):

Nancy Ashley Stevens

Represented By
Jacqueline D Serrao

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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10:30 AM

8:21-10513 Rosa A Fridman

Chapter 7

Adv#: 8:21-01023 Avetoom v. Fridman

#21.00 Hearing RE: Plaintiff Karl Avetoom's Motion for an Order to Strike Defendant's Motion to Amend Pursuant to Rule 12(f) (Related to Doc.35)

Docket 40

***** VACATED *** REASON: OFF CALENDAR: Notice of Withdrawal of Motion, filed 10/29/2021**

Courtroom Deputy:

OFF CALENDAR: Notice of Withdrawal of Motion, filed 10/29/2021 - td (10/29/2021)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rosa A Fridman

Represented By
Scott Talkov

Defendant(s):

Rosa Fridman

Represented By
Scott Talkov

Plaintiff(s):

Karl Avetoom

Pro Se

Trustee(s):

Karl T Anderson (TR)

Represented By
Melissa Davis Lowe

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10:30 AM

8:21-10525 The Source Hotel, LLC

Chapter 11

**#22.00 CON'TD STATUS CONFERENCE Hearing on Status of Chapter 11 Case; and
(2) Requiring Report on Status of Chapter 11 Case**

FR: 5-6-21; 8-12-21; 9-30-21; 10-1-21

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 6, 2021

Claims Bar Date: 7/12/21 -- notice to creditors by 5/12/21

Deadline to file plan/discl. stmt: not set at this time

Continued Status Conference: 8/12/21 at 10:30 a.m. (XX)

Updated Status Report due: 7/29/21

***Note: If Debtor is in substantial compliance with the requirements of the
US Trustee, appearance at this hearing is not required.***

August 12, 2021

Continue this Status Conference to September 30, 2021 at 2:00 p.m. The
deadline for filing a plan and disclosure statement will be set at that hearing.
An updated Status Report must be filed by September 23, 2021. (XX)

November 4, 2021

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CONT... The Source Hotel, LLC

Chapter 11

Continue status conference to December 16, 2021 at 10:30 a.m.; updated status report must be filed by December 2, 2021 if a motion to dismiss has not been filed by such date.

Note: Appearances at this hearing are not required.

Party Information

Debtor(s):

The Source Hotel, LLC

Represented By
Ron Bender
Juliet Y Oh

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10:30 AM

8:21-10608 DEA Brothers Sisters LLC

Chapter 11

#23.00 Hearing RE: Debtor's Motion to Remove the Federal and FTB Tax Liens from the Real Property Located at 16502 S. Main St., Carson, CA 90248

Docket 266

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 4, 2021

Deny Motion due to lack of proper notice and lack of legal basis for removal of the liens.

Basis for Tentative Ruling:

I. Defective Notice:

"In all contested matters and adversary proceedings involving the United States Internal Revenue Service, the United States, the Attorney General in Washington, D.C., and the United States attorney in Los Angeles must be served at addresses listed in the Register of Federal and State Governmental Unit Addresses contained in the Court Manual." LBR 2002-2(c) (2).

Here, this is a contested matter involving the IRS one of the two liens requested to be removed was recorded by the IRS. Because Debtor did not serve the U.S Attorney General in Washington, D.C., and the United States attorney in Los Angeles, service is improper.

The court manual provides the below addresses for the United States attorney in Los Angeles and U.S Attorney General in Washington, D.C., respectively.

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CONT...

DEA Brothers Sisters LLC

Chapter 11

United States Attorney's Office
Federal Building, Room 7516
300 North Los Angeles Street
Los Angeles, CA 90012
United States Department of Justice
Ben Franklin Station
P. O. Box 683
Washington, DC 20044

Additionally, service is improper for failure to properly serve the FTB as well. As the Motion is a contested matter, the Motion must comply with Rule 9014. FRBP 9014 states "The motion shall be served in the manner provided for service of a summons and complaint by Rule 7004..." FRBP 7004 governs service for adversary proceedings. Debtor did not serve the FTB at the address required by the Court manual for adversary proceedings, only the address for all other notices. Thus, service is improper.

The court manual provides the below addresses for State of California Franchise Tax Board:

a) Service of Adversary Proceedings:

Franchise Tax Board Chief Counsel
c/o General Counsel Section
P.O. Box 1720, MS: A-260
Rancho Cordova, CA 95741-1720

b) Bankruptcy Code Section 505 Requests and All Other Service and Notices: Franchise Tax Board Bankruptcy Section, MS: A-340 P. O. Box 2952, Sacramento, CA 95812-2952

II. Merits

Debtor argues that the liens should be removed from the Property because the taxes accrued before the Debtor purchased the Property, and A&G agreed to pay the taxes owed to the IRS and the FTB. The document jointly signed by Ana Gladys Huezo, A&G's Managing Member, and Mr.

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CONT... DEA Brothers Sisters LLC

Chapter 11

Jiwani, Debtor's Managing Member, dated February 15, 2019, states as follows:

"THE FOLLOWING IS A MATTER OF RECORD ONLY, AND OF NO CONCERN OR RESPONSIBILITY OF ESCROW, BUT WHICH THE PARTIES WISH TO HAVE STATED HEREIN FOR THE RECORD.

Any demand for payment received from IRS or FTB, A&G Enterprises, LLC (Seller) is responsible for and will resolve."

See Exhibit F to the Motion.

However, Debtor does not provide any statute or case law in support of its apparent position that A&G's alleged breach of contract provides a legal basis for the removal of otherwise validly recorded liens. The fact that A&G signed a document saying it would resolve any demand for payment by the IRS or FTB does not affect the liens' validity or enforceability against the Property. Stated otherwise, the court is unaware of any authority that would strip a third party's lien against property based upon a "side" agreement between a buyer and seller that did not include the lienholders as signators to such an agreement. Debtor has not provided any such authority.

Party Information

Debtor(s):

DEA Brothers Sisters LLC

Represented By
John H Bauer

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10:30 AM

8:21-10608 DEA Brothers Sisters LLC

Chapter 11

**#24.00 Hearing RE: Creditor's Disclosure Statement Describing Creditor's Chapter 11
Plan of Reorganization (A&G Interprises, LLC)**

Docket 253

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 4, 2021

Continue hearing to December 9, 2021 to allow A&G to modify its disclosure statement. Amended disclosure statement (and plan if necessary) must be filed by November 16, 2021; any further response must be filed by November 23, 2021; any reply by December 2, 2021.

Basis for Tentative Ruling:

The disclosure statement (DS) must be amended to address the following matters:

1. Pg.6:16-28 -- The reference to Mr. Pai as the "alleged" property manager: "alleged" should be deleted unless A&G has a factual basis for implying that he does not provide management services. This description is ascribed to Mr. Pai elsewhere in the DS and should be deleted. Further, the circumstances precipitating the bankruptcy filing should be stated in neutral terms. Finally, somewhere in the DS, A&G must disclose the matter of the written statement by Ms. Hernandez that A&G assumed responsibility for the tax debt.

1a. Pg.7:7-17 -- The language re Unit 5 must be amended reflect that findings of this court at the valuation hearing regarding the vacancy/non-vacancy of that unit. Further, A&G's speculation regarding Debtor's relationship with tenants must be either be deleted or support by a factual basis. This section

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CONT... DEA Brothers Sisters LLC

Chapter 11

reads like argument in a legal brief and not like the disclosure of *facts*.

1b. Pg. 9:2 -- Correct the following typo "Motion for Order Seeing Debtor's Use of Cash Collateral as dkt 62" should be changed to "Motion for Conditional Use of Cash Collateral as dkt 18".

2. Pg 9:15 -- there "is" should be changed to "are".

3. Pg. 9:20 -- The word "allegedly" should be deleted unless A&G has a factual basis for implying that the moratorium had no impact on the eviction process. Further, if the moratorium has now ended, that fact should be noted.

4. Pg. 9:24 -- "transfer" should be "transfers"

5. Pg. 9:25 -- "its" should be replaced with "Debtor's."

6. Pg.10:9-11; 14-15 -- A&G must either state the factual basis for the description of Mr. Pai as impliedly incompetent or eliminate the implication.

7. Pg. 12:25-26 -- The cash on hand needs to be updated.

8. Pg.13:6 -- A&G needs to disclose that Debtor might assert a claim against it (A&G) for payment of the tax debt based on the agreement signed by Ms. Hernandez.

9. Pg.14:21 -- The reference to Debtor making the payments is confusing as the A&G's plan provides for A&G to take over management of the Property and for Debtor's equity to be eliminated. That being the case, how is it that Debtor is making the payments?

10. Pg.16:22: Same comment as #9 above re Debtor making tax payments. Also, the treatment of the IRS as a secured claim is inconsistent with 1129(a)(9)(D). See discussion of the FTB priority tax claim on pg. 13. There is no reference to the IRS claim as being a priority claim under 507(a)(8).

11. Pg. 18:21: Same comment as #9 above re Debtor making tax payments.

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CONT... DEA Brothers Sisters LLC

Chapter 11

Also, the FTB secured claim is being treated significantly different than its claim as a priority tax claim governed by 1129(a)(9)(D) . Compare with pg. 13.

12. Pg. 22:1-15: At line 1, the language should be amended to state "there are no scheduled claims in this class and no unsecured creditors have filed proofs of claim." The language that follows is confusing and difficult to follow. It seems to state that if A&G's Class 4 secured claim is deemed unsecured, it will still receive the same treatment as a Class 4 secured claim, i.e., receipt of Debtor's equity interest. If that is the case, it should be simply stated.

13. Pg. 23:18-27: Language needs to be updated to reflect information in most recent MOR re cash on hand.

14. Pg.27: Risk factors need to be more specific, e.g., higher vacancy rate than anticipated, lower rents, inability to collect 12 month old receivables, capital improvements, etc.

15. Pg. 28-29: Confusing language re which leases are rejected and which ones are assumed. Just list them in the body of DS under "Rejected" and "Assumed".

Other Comments:

The ability of Ms. Hernandez to access \$80,000 to fund the plan is a confirmation issue. No further financial required regarding the DS. The court made the same ruling regarding Debtor's disclosure statement at the Oct. 21 hearing.

The DS should address anticipated capital improvements. Regardless of whose fault it is, the common areas of the Property will likely require repairs. Further, presumably rehab of Unit 5 and the other rejected units may be required. The DS as drafted does not adequately address these realities.

EVIDENTIARY OBJECTIONS

Objection # Ruling

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CONT...

DEA Brothers Sisters LLC

Chapter 11

- 1 OVERRULED. Incomplete Objection.
- 2 SUSTAINED as to the second sentence and as to the Exhibit
balance references in the first sentence. OVERRULED as to the
 of the first sentence.
- 3 SUSTAINED
- 4 OVERRULED. The court can take judicial notice of this report,
 having previously reviewed it in connection with the valuation
 hearing.
- 5 OVERRULED
- 6 OVERRULED
- 7 SUSTAINED. Full report not attached
- 8 SUSTAINED
- 9 SUSTAINED as to all past due amounts;
 OVERRULED as to the balance.
- 10

Party Information

Debtor(s):

DEA Brothers Sisters LLC

Represented By
John H Bauer

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10:30 AM

8:21-10635 Alicia Marie Richards

Chapter 7

#25.00 CONT'D Hearing RE: Trustee's Motion for Order Authorizing Sale of Real Property: (A) Outside the Ordinary Course of Business; (B) Free and Clear of Liens; (C) Subject to Overbids; and (D) for Determination of Good Faith Purchaser Under Section 363(M)

FR: 10-21-21

Docket 320

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 4, 2021

Grant motion subject to overbids pursuant to the terms of the overbid procedures set forth in the Motion. However, the 14-day stay provided by FRBP 6004(h) is denied.

Court's Comments

The tentative ruling to grant the motion and to allow the sale process to proceed is based upon all of the evidence presented, with particular focus on the Motion and Reply pleadings (and including supporting exhibits) filed by Trustee and the Opposition and related pleadings filed by Debtor. The court concludes that the sale of the property to the proposed buyer, subject to overbids if any, is within the sound business judgment of the bankruptcy estate. Accordingly, the court adopts the legal analysis set forth in the Motion and Reply. The property may be sold free and clear of liens pursuant to 363(f). Disputed liens will attach to the sale proceeds or order of priority pending further order of the court. As previously ruled by the court, the requested commission is fair and reasonable and will be allowed.

EVIDENTIARY OBJECTIONS

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CONT... Alicia Marie Richards

Chapter 7

Debtor's Evidentiary Objections to Declaration of Clarence Yoshikane

Objection

Ruling

Pg.24, ¶ 6

OVERRULED

Pg. 24, ¶ 27

OVERRULED. *Note:* though the court denied Trustee's request to employ an appraiser *at the expense of the estate*, it did not enjoin Trustee from employing an appraiser at his own expense or of using any appraisal produced by the appraiser.

Pg.24, ¶8

SUSTAINED -- the statement is a legal conclusion to be determined by the court.

Debtor's Evidentiary Objections to Declaration of Richard Marshack

Objection

Ruling

Pg.21, ¶ 5

OVERRULED

Pg.21, ¶ 8

OVERRULED. *Note:* though the court denied Trustee's request to employ an appraiser *at the expense of the estate*, it did not enjoin Trustee from employing an appraiser at his own expense or of using any appraisal produced by the appraiser.

Pg.21, ¶ 9

OVERRULED

Pg.22, ¶ 10

OVERRULED

Pg.22, ¶ 11

OVERRULED

Pg.22, ¶ 12

OVERRULED

Pg.23, ¶15:2-4

OVERRULED

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CONT... Alicia Marie Richards

Chapter 7

Pg.23, ¶15:16-17 SUSTAINED. Argumentative

Pg.23, ¶ 16 SUSTAINED. Hearsay

Party Information

Debtor(s):

Alicia Marie Richards

Pro Se

Trustee(s):

Richard A Marshack (TR)

Represented By
Richard G Heston
D Edward Hays
Tinho Mang

**United States Bankruptcy Court
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10:30 AM

8:21-10635 Alicia Marie Richards

Chapter 7

#26.00 CON'TD Hearing RE: Chapter 7 Trustee's Motion for Order Compelling Debtor to Turnover Possession of 351 Catalina Drive, Newport Beach, CA 92663

FR: 10-21-21

Docket 324

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 4, 2021

Grant motion for turnover with all relief requested in the Motion except that turnover by Debtor must occur by 11:59 pm on December 2, 2021.

Court's Comments

It is imperative that the buyer have access to the property by the time of closing without conflict or controversy. Debtor will be provided 28 days from the date of the hearing to secure alternative living arrangements, which is more time than that requested by Trustee.

The court agrees with the analysis set forth in Trustee's Motion and Reply and adopts the same by reference herein, including the application of the Local Bankruptcy Rules concerning Debtor's minor child's declaration. The court notes that even if it were consider such declaration, the outcome would be no different as there is no documentary evidence of a prepetition *recorded* deed of trust in favor of the family trust or any ownership interest in the Property. Moreover, a possessory interest in property of a bankruptcy estate is does not constitute a legal basis for denial of turnover to a chapter 7 trustee.

Finally, the court need not consider the joinder of Ryal Richards to make its

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CONT... **Alicia Marie Richards**
decision.

Chapter 7

EVIDENTIARY OBJECTION [Dkt #350]

Debtor's objection to the court taking judicial notice of the State Court's January 26, 2018 Order of Dissolution is denied. The court can and will take judicial notice of the Judgment and all attachments thereto, including the fact that Debtor's signature does not appear on the "approved as to form and content" portion of the Judgment. That said, the court is not persuaded that the lack of Debtor's approval of the form and content of the Judgment renders it void as a matter of law.

Party Information

Debtor(s):

Alicia Marie Richards

Pro Se

Trustee(s):

Richard A Marshack (TR)

Represented By
Richard G Heston
D Edward Hays
Tinho Mang

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 4, 2021

Hearing Room

5A

10:30 AM

8:21-10635 Alicia Marie Richards

Chapter 7

#27.00 CONT'D Hearing RE: Debtor's Objection to Claim No. 9-1 by claimant Andrew Brown and Ellie Britt (\$1,550.00)

FR: 9-30-21

Docket 204

Courtroom Deputy:

SPECIAL NOTE: Debtor's Notice of Withdrawal of Objection to Claim 9.1, filed 10/22/2021. Objection to Debtor's Notice of Withdrawal of Claim Objection, filed 10/22/2021. Attorney Christopher Langley wants to go Forward with this hearing - td (10/22/2021)

Tentative Ruling:

September 30, 2021

Continue hearing to November 4, 2021 at 10:30 a.m. to allow Debtor to correct service issues: The objection itself was not served on the Claimants per the proof of service attached thereto as required by FRBP 3007(a)(2)(A) and LBR 3007-1(b)(2). In addition the supplemental notice with the Zoom information was not served on Claimants per the proof of service attached thereto. (XX)

Note: Appearance is not required if Debtor accepts the tentative ruling.

November 4, 2021

Overrule Objection. Withdrawal of the Objection is not recognized pursuant to FRCP 41(a)(1) as incorporated by reference by FRBP 9014 and FRBP 7041. Claimants have an allowed general unsecured claim against the bankruptcy estate in the amount of \$1550 (assuming such amount does not include the value of the three items returned to Claimants -- Claimants'

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Chapter 7

counsel to confirm this at the hearing). Overrule Debtor's objections. Deny Claimants' request for injunctive relief under Section 105(a) as such relief is not properly before the court.

Basis for Tentative Ruling:

I. Preliminary Matter -- Withdrawal of Objection to Claim

Following the filing of Claimant's Opposition to Debtor's Objection to their claim (Claim), Debtor filed a withdrawal of the Objection at dkt 373 ("Withdrawal"), stating that such withdrawal *"in no way waives Debtor's right to file a future objection* and have a hearing scheduled on said objection with supporting documentation if such need arises to determine the validity of the claim of Ellie Brown and Andrew Brown and to assert her cross complaint for malicious prosecution once this claims has been abandoned by the Trustee and or this case has been converted." (emphasis added). The Withdrawal then purports to take this claim objection hearing off calendar. Claimants thereafter objected to the Withdrawal, citing FRCP 41.

Under Rule 41(a)(1)(A)(i), a complaint may not be voluntarily dismissed after a response has been filed without leave and order of the court. The discretion whether to permit a dismissal, or in this case, a withdrawal, is within the sound discretion of the court. *Id.*

The filing of an objection to a proof of claim is a "contested matter" within the meaning of Federal Rules of Bankruptcy Procedure (FRBP) 9014(c). Though "contested matter" is not defined in FRBP 9014, the Advisory Committee Note to Rule 9014 states that "[w]henver there is an actual dispute, other than an adversary proceeding, before the bankruptcy court, the litigation to resolve that dispute is a contested matter." FRCP Rule 41 is made applicable to contested matters, unless the Court directs otherwise, pursuant to FRBP 9014(c). See *In re Dworek*, 589 B.R. 267, 272 (Bankr.WD PA 2018). The objection to a proof of claim is the equivalent of a "complaint" under Rule 41 and the opposition to the objection is the equivalent of an answer.

In *In re Wotkins*, 274 B.R. 690, 693 (Bankr.SD TX 2002), the court

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Chapter 7

expressly held that "Rule 7041 of the Federal Rules of Bankruptcy Procedure ("FRBP") adopts Rule 41 in adversary proceedings in bankruptcy cases. FRBP 9014 adopts rule 7041 for contested matters. An objection to claim is a contested matter. Therefore, after a response has been filed an objection to claim cannot be withdrawn without order of the court and upon such terms and conditions as the court deems proper."

In light of the foregoing, Debtor was required to file a motion for leave to withdraw the objection after Claimants filed a response. She did not. Accordingly, the claim objection hearing will proceed on the merits.

II. Merits of the Objection

On March 12, 2021, Debtor filed the instant chapter 7 case. On August 6, 2021, Andrew Brown and Ellie Britt ("Claimant") filed a claim, 9-1, (the "Claim") in the unsecured amount of \$1,550.00 for stolen goods (wedding registry gifts). Debtor has filed an objection to the Claim (the "Objection"). The first hearing on the Objection was on September 30, 2021, but was continued to November 4, 2021 for improper service. Debtor filed a Notice of Withdrawal [dkt. 373] and the Claimants filed an objection to Debtor's Notice of Withdrawal [dkt. 374]. Claimants also filed an opposition ("Opposition") [dkt. 356].

A. Debtor has Standing

In the claim objection context, a chapter 7 debtor, "in its individual capacity, lacks standing to object unless [the debtor] demonstrates that [the debtor] would be 'injured in fact' by the allowance of the claim." *Cheng v. K&S Diversified Invs., Inc. (In re Cheng)*, 308 B.R. 448, 454 (9th Cir. BAP 2004), aff'd, 160 F. App'x 644 (9th Cir. 2005). When "the estate is insolvent, a chapter 7 debtor ordinarily lacks standing to object to proofs of claim." *Wellman v. Ziino (In re Wellman)*, 378 B.R. 416, 2007 WL 4105275, at *1 n.5 (9th Cir. BAP 2007) (unpublished). However, when "there is a sufficient possibility of a surplus to give the chapter 7 debtor a pecuniary interest or when the claim involved will not be discharged[]" the chapter 7 debtor has standing. *Id.*

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Alicia Marie Richards

Chapter 7

In this case, the court finds that there is at least the possibility of a surplus estate. Accordingly, Debtor has the standing to bring a claim objection.

B. Claimants have Provided Sufficient Documentation

A proof of claim executed and filed in accordance with the Federal Rules of Bankruptcy Procedure 3001(f) constitutes prima facie evidence of the validity and amount of the claim. See FRBP 3001(f); *In re Lundell*, 223 F.3d 1035, 1039 (9th Cir. 2000). Therefore, a proof of claim will be deemed allowed unless a party in interest objects. *Lundell*, 223 F.3d at 1039. Once a party in interest objects, the proof of claim will still provide some evidence of its validity and amount, and will be strong enough to carry over a mere formal objection without more. *Id.* A party objecting to a claim must present affirmative evidence to overcome the presumption of its validity by showing "facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claims." *Id.* (citing *In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991); *In re King Street Inv., Inc.*, 219 B.R. 848, 858 (BAP 9th Cir. 1998). If the objector produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, then the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. *Lundell*, 223 F.3d at 1039. The ultimate burden of persuasion remains at all times upon the claimant. *Id.*; *Holm*, 931 F.2d 620 (9th Cir. 1991). Under 11 U.S.C. § 502(b)(1), a proof of claim shall be disallowed if it is "unenforceable against the debtor and property of the debtor, under any agreement or applicable law for a reason other than because such claim is contingent or unmatured."

Courts have held "if the unsecured claim is not based on a writing, no documentation is required to achieve prima facie status." *In re Archuleta*, No. 19-12905-j7, 2021 Bankr. LEXIS 609, at *17 (Bankr. D.N.M. Mar. 16, 2021) (citing *In re Cluff*, 313 B.R. 323, 332 (Bankr. D. Utah 2004), *aff'd sub nom. Cluff v. eCast Settlement*, No. 2:04-CV-978 TS, 2006 U.S. Dist. LEXIS 71904, 2006 WL 2820005 (D. Utah Sept. 29, 2006.)); see also *State Bd. of Equalization v. L.A. Int'l Airport Hotel Assocs. (In re L.A. Int'l Airport Hotel Assocs.)*, 106 F.3d 1479, 1480 (9th Cir. 1997).

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As a preliminary matter, the Claim is entitled to *prima facie* validity. The Claim was filed with Official Form 410 and, as the Claim is not based on a writing, no documentation is required. See Mot., at 16. While the proof of claim in *In re L.A. Int'l Airport Hotel Assocs* was filed with no documentation whatsoever, the Ninth Circuit still found that the proof of claim was entitled to *prima facie* validity because the claim at issue (for sales and use taxes) was not based on a writing. Here, the Claim is also not based on a writing since it is based on the conversion of goods accidentally shipped to the Debtor's residence. Although no documentation is required, the Claimants provided a document detailing the basis for the claim. See Mot. 9-13. Thus, Creditor filed the Claim in accordance with Rule 3001 and the Claim is entitled to the presumption of validity under Rule 3001(f).

Now the burden shifts to the objecting party, in this case the Debtor, to present affirmative evidence to overcome the presumption. Debtor has failed to shift the burden back to Claimants because Debtor has submitted no evidence with the Objection. Debtor simply makes general allegations that the litigation privilege provided by Civil Code 47(b), the anti-slapp statute pursuant to CCP 425.16, fraud, and insurance fraud bar the Claimants from any recovery without providing evidence or adequate explanation as to how they bar recovery. Therefore, the Objection should be overruled.

Even if Debtor had presented sufficient evidence or legal argument (see below as to the latter) to shift the burden back to Claimants, the Claim Objection would still have to be overruled because the Claimants have provided additional evidence in support of the Claim. In the Opposition, Claimants provided an itemized list of the gifts (and their value) that were shipped to the Debtor's residence. See Opp'n., 7. Claimants also provided a declaration stating that the Newport Police Department returned three items from the wedding registry after executing a search warrant on Debtor's Residence. See Opp'n., 5. Thus, the Objection should be overruled because Claimants have proven the Claim's validity by a preponderance of the evidence.

C. Debtor's Legal Arguments

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Alicia Marie Richards

Chapter 7

i. Litigation Privilege

California Civil Code, § 47, subd. (b), provides that, with certain exceptions, a publication made in any judicial proceeding is privileged. Because of the vital purposes served by this privilege, it is absolute in nature and applies to all causes of action except malicious prosecution. The purposes of § 47, subd. (b), are to afford litigants and witnesses free access to the courts without fear of being harassed subsequently by derivative tort actions, to encourage open channels of communication and zealous advocacy, to promote complete and truthful testimony, to give finality to judgments, and to avoid unending litigation. To further these important goals, the privilege is applied broadly. The usual formulation is that the privilege applies to any communication (1) made in judicial or quasi-judicial proceedings; (2) by litigants or other participants authorized by law; (3) to achieve the objects of the litigation; and (4) that have some connection or logical relation to the action. It is not limited to statements made during a trial or other proceedings, but may extend to steps taken prior thereto, or afterwards. It applies to any publication required or permitted by law in the course of a judicial proceeding to achieve the objects of the litigation, even though the publication is made outside the courtroom and no function of the court or its officers is involved. *La Jolla Grp. II v. Bruce*, 211 Cal. App. 4th 461, 463 (2012).

The purpose of the litigation privilege is intended to protect parties from being harassed subsequently by derivative tort actions. Here, Debtor has presented no facts or evidence that would implicate the Litigation Privilege.

ii. Anti-Slapp

The anti-SLAPP statute authorizes a special motion to strike meritless claims early in the litigation if the claims arise from any act of that person in furtherance of the person's right of petition or free speech under the United States Constitution or the California Constitution in connection with a public issue. Code Civ. Proc., § 425.16, subd. (b)(1). Anti-SLAPP motions are intended to resolve quickly and relatively inexpensively meritless lawsuits that threaten free speech on matters of public interest. *Sandlin v.*

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Alicia Marie Richards

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McLaughlin, 50 Cal. App. 5th 805, 805, 263 Cal. Rptr. 3d 874, 878 (2020).

Here, the claim is for an alleged conversion of property accidentally shipped to Debtor's residence and does not implicate any free speech rights.

D. Claimants' Request for Injunctive Relief

At the conclusion of their Opposition, Claimants request that the court exercise its authority under Section 105(a) to fashion some sort of injunctive relief that would enjoin Debtor from pursuing any claims against them. No legal analysis is provided. More importantly, as a matter of due process, such extraordinary relief cannot be granted as part of a response to a claim objection. Further, as a matter of law, because the basis for any claims Debtor may assert against Claimants arose prepetition, such claims belong to the bankruptcy estate and can only be prosecuted by the chapter 7 trustee unless and until such claims are abandoned to Debtor. Upon abandonment, the claims would no longer be estate property or within the jurisdiction of this court.

Party Information

Debtor(s):

Alicia Marie Richards

Pro Se

Trustee(s):

Richard A Marshack (TR)

Represented By
Richard G Heston

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, November 4, 2021

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8:21-11506 Anthony Thomas Vanausdoll

Chapter 13

#28.00 Hearing RE: Debtor's Objection to LVNV Funding, LLC Proof of Claim (Claim No. 1)

Docket 21

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 4, 2021

Sustain Objection.

Note: This matter appears to be uncontested. Accordingly, no court appearance on behalf of Debtor is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Debtor's counsel will be so notified.

Party Information

Debtor(s):

Anthony Thomas Vanausdoll

Represented By
Sundee M Teeple

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, November 4, 2021

Hearing Room

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10:30 AM

8:21-11723 Advantage Manufacturing, Inc.

Chapter 11

#29.00 CONT'D STATUS CONFERENCE Hearing on Status of Subchapter V Case; (2) Requiring Report on Status of Subchapter V Case by Debtor and Subchapter V Trustee; and (3) Requiring Subchapter V Trustee to Appear at the Status Conference

FR: 9-2-21

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 2, 2021

Continue Status Conference to November 4, 2021 at 10:30 a.m.; an updated Status Report must be filed by Debtor by October 21, 2021 and by the Sub V Trustee by October 28, 2021. If Debtor timely files a plan within 90 days of the order of relief, the requirement of a Status Report by both Debtor and the Sub V Trustee will not be required. (XX)

Note: Appearances at this hearing are not required if Debtor is in substantial compliance with the requirements of the US Trustee.

November 4, 2021

Continue status conference to December 2, 2021 at 10:30 a.m., same date/time as hearing on confirmation of plan. Updated status report not required.

Note: Appearance at this hearing is not required.

Party Information

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, November 4, 2021

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10:30 AM

CONT... Advantage Manufacturing, Inc.

Chapter 11

Debtor(s):

Advantage Manufacturing, Inc.

Represented By
Michael G Spector

Trustee(s):

Robert Paul Goe (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, November 4, 2021

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10:30 AM

8:21-12190 Black Oak Group, LLC

Chapter 11

#30.00 STATUS CONFERENCE Hearing RE: Status of Chapter 11 Case; and (2)
Requiring on Status of Chapter 11 Case

Docket 1

***** VACATED *** REASON: OFF CALENDAR: Order of Dismissal for
Failure to File Schedules, Statements and/or Plan Entered 9/22/2021 - td
(9/22/2021)**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Black Oak Group, LLC

Represented By
Bert Briones

**United States Bankruptcy Court
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Thursday, November 4, 2021

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8:08-17206 Palmdale Hills Property, LLC

Chapter 11

Adv#: 8:18-01015 Speier v. SunCal Management LLC et al

#31.00 CON'TD STATUS CONFERENCE RE: Second Amended Complaint: (1) For Breach of Contract; (2) Restitution and/or Unjust Enrichment; (3) To Avoid and Recover Fraudulent Transfers; and (4) To Avoid and Recover Preferential Transfers **[Debtor: SunCal Oak Knoll, LLC]**

FR: 8-1-18; 9-11-18; 5-2-18; 5-7-19; 9-26-19; 12-17-19; 1-9-20; 3-26-20; 4-27-20; 5-28-20; 5-29-20; 12-17-20; 1-28-21; 3-11-21

Docket 95

***** VACATED *** REASON: CONTINUED TO 12/16/2021 AT 2:00 P.M.,
Per Order Entered 7/27/2021 (XX)**

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 12/16/2021 at 2:00 p.m.,
Per Order Entered 7/27/2021 (XX) - td (7/27/2021)**

Tentative Ruling:

May 28, 2020

Continue status conference to May 29, 2020 at 2:00 p.m.

January 28, 2021

The following tentative ruling applies to matters 2, 4, 6, 9, 10, 11,

Continue Status Conference to November 4, 2021 at 2:00 p.m., same date/time set for Motion for Partial Summary Adjudication

Party Information

Debtor(s):

Palmdale Hills Property, LLC

Represented By
Paul J Couchot
Peter W Lianides

**United States Bankruptcy Court
Central District of California
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Judge Erithe Smith, Presiding
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Thursday, November 4, 2021

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Palmdale Hills Property, LLC

Chapter 11

Richard W Esterkin
Asa S Hami
Charles Liu
James M Miller
Raymond H. Aver
Sean A OKeefe
Marc J Winthrop
Martin Pritikin
Selia M Acevedo
Francis T Donohue
Richard H Golubow
Louis R Miller
Jeffrey W Broker
Kavita Gupta
Garrick A Hollander
R Grace Rodriguez
Lei Lei Wang Ekvall
Mike D Neue

Defendant(s):

SunCal Management LLC

Represented By
Craig H Averch
Aalok Sharma

Argent Management, LLC

Represented By
Craig H Averch
Aalok Sharma

Plaintiff(s):

Steven M Speier

Represented By
Mike D Neue
Gary A Pemberton
Brianna L Frazier

Trustee(s):

Steven M Speier (TR)

Represented By
Louis R Miller

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 4, 2021

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Palmdale Hills Property, LLC

Chapter 11

Mike D Neue
Lei Lei Wang Ekvall

**United States Bankruptcy Court
Central District of California
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Thursday, November 4, 2021

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2:00 PM

8:08-17206 Palmdale Hills Property, LLC

Chapter 11

Adv#: 8:18-01021 Speier v. SunCal Management LLC et al

#32.00 CONT'D STATUS CONFERENCE RE: Third Amended Complaint (1) To Avoid and Recover Fraudulent Transfers and (2) To Avoid and Recover Preferential Transfers **[Debtor: SunCal Torrance, LLC]**

FR: 8-1-18; 9-11-18; 5-2-18; 5-7-19; 9-26-19; 12-17-19; 1-9-20; 3-26-20;
4-27-20; 5-28-20; 5-29-20; 12-17-20; 1-28-21; 3-11-21

Docket 327

***** VACATED *** REASON: CONTINUED TO 12/16/2021 AT 2:00 P.M.,
Per Order Entered 7/27/2021 (XX)**

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 12/16/2021 at 2:00 p.m.,
Per Order Entered 7/27/2021 (XX) - td (7/27/2021)**

Tentative Ruling:

May 28, 2020

Continue status conference to May 29, 2020 at 2:00 p.m.

January 28, 2021

The following tentative ruling applies to matters 2, 4, 6, 9, 10, 11,

Continue Status Conference to November 4, 2021 at 2:00 p.m., same
date/time set for Motion for Partial Summary Adjudication

Party Information

Debtor(s):

Palmdale Hills Property, LLC

Represented By
Paul J Couchot
Peter W Lianides

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 4, 2021

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CONT...

Palmdale Hills Property, LLC

Chapter 11

Richard W Esterkin
Asa S Hami
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Sean A OKeefe
Marc J Winthrop
Martin Pritikin
Selia M Acevedo
Francis T Donohue
Richard H Golubow
Louis R Miller
Jeffrey W Broker
Kavita Gupta
Garrick A Hollander
R Grace Rodriguez
Lei Lei Wang Ekvall
Mike D Neue

Defendant(s):

SunCal Management LLC

Represented By
Craig H Averch

Argent Management, LLC

Represented By
Craig H Averch

Plaintiff(s):

Steven M Speier

Represented By
Mike D Neue
Gary A Pemberton
Brianna L Frazier

Trustee(s):

Steven M Speier (TR)

Represented By
Louis R Miller
Mike D Neue
Lei Lei Wang Ekvall

**United States Bankruptcy Court
Central District of California
Santa Ana
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Palmdale Hills Property, LLC

Chapter 11

**United States Bankruptcy Court
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8:08-17206 Palmdale Hills Property, LLC

Chapter 11

Adv#: 8:18-01022 Speier v. SunCal Management LLC et al

#33.00 CONT'D STATUS CONFERENCE RE: Third Amended Complaint to Avoid and Recover Fraudulent Transfers **[Debtor: SunCal PSV, LLC]**

FR: 8-1-18; 9-11-18; 5-2-18; 5-7-19; 9-26-19; 12-17-19; 1-9-20; 3-26-20;
4-27-20; 5-28-20; 5-29-20; 12-17-20; 1-28-21; 3-11-21

Docket 329

***** VACATED *** REASON: CONTINUED TO 12/16/2021 AT 2:00 P.M.,
Per Order Entered 7/27/2021 (XX)**

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 12/16/2021 at 2:00 p.m.,
Per Order Entered 7/27/2021 (XX) - td (7/27/2021)**

Tentative Ruling:

May 28, 2020

Continue status conference to May 29, 2020 at 2:00 p.m.

January 28, 2021

The following tentative ruling applies to matters 2, 4, 6, 9, 10, 11,

Continue Status Conference to November 4, 2021 at 2:00 p.m., same
date/time set for Motion for Partial Summary Adjudication

Party Information

Debtor(s):

Palmdale Hills Property, LLC

Represented By
Paul J Couchot
Peter W Lianides
Richard W Esterkin

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 4, 2021

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CONT...

Palmdale Hills Property, LLC

Chapter 11

Asa S Hami
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Lei Lei Wang Ekvall
Mike D Neue

Defendant(s):

SunCal Management LLC

Represented By
Craig H Averch

Argent Management, LLC

Represented By
Craig H Averch

Plaintiff(s):

Steven M Speier

Represented By
Mike D Neue
Gary A Pemberton
Brianna L Frazier

Trustee(s):

Steven M Speier (TR)

Represented By
Louis R Miller
Mike D Neue
Lei Lei Wang Ekvall

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 4, 2021

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8:08-17206 Palmdale Hills Property, LLC

Chapter 11

Adv#: 8:18-01023 SPEIER v. SUNCAL MANAGEMENT, LLC et al

#34.00 CON'TD STATUS CONFERENCE RE: Third Amended Complaint (1) To Avoid and Recover Fraudulent Transfers and (2) To Avoid and Recover Preferential Transfers **[Debtor: Palmdale Hills Property, LLC]**

FR: 8-1-18; 9-11-18; 5-2-18; 5-7-19; 9-26-19; 12-17-19; 1-9-20; 3-26-20;
4-27-20; 5-28-20; 5-29-20; 12-17-20; 1-28-21; 3-11-21

Docket 298

***** VACATED *** REASON: CONTINUED TO 12/16/2021 AT 2:00 P.M.,
Per Order Entered 7/27/2021 (XX)**

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 12/16/2021 at 2:00 p.m.,
Per Order Entered 7/27/2021 (XX) - td (7/27/2021)**

Tentative Ruling:

January 9, 2020

No tentative ruling. Oral Argument only. Plaintiff will have 30 minutes to argue in favor of the Motion; Defendant will have 30 minutes to respond; Plaintiff will have 30 minutes to reply. The matter will then be taken under submission. Oral Ruling: March 26, 2020 at 2:00 p.m.

May 28, 2020

Continue status conference to May 29, 2020 at 2:00 p.m.

January 28, 2021

Continue Status Conference to November 4, 2021 at 2:00 p.m.

Party Information

**United States Bankruptcy Court
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Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 4, 2021

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CONT... Palmdale Hills Property, LLC

Chapter 11

Debtor(s):

Palmdale Hills Property, LLC

Represented By
Paul J Couchot
Peter W Lianides
Richard W Esterkin
Asa S Hami
Charles Liu
James M Miller
Raymond H. Aver
Sean A OKeefe
Marc J Winthrop
Martin Pritikin
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Richard H Golubow
Louis R Miller
Jeffrey W Broker
Kavita Gupta
Garrick A Hollander
R Grace Rodriguez
Lei Lei Wang Ekvall
Mike D Neue

Defendant(s):

SUNCAL MANAGEMENT, LLC

Represented By
Craig H Averch

Argent Management LLC

Represented By
Craig H Averch

Plaintiff(s):

STEVEN M. SPEIER

Represented By
Evan C Borges
Mike D Neue
William N Lobel
Gary A Pemberton

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 4, 2021

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CONT... Palmdale Hills Property, LLC

Chapter 11

Brianna L Frazier

Trustee(s):

Steven M Speier (TR)

Represented By
Louis R Miller
Mike D Neue
Lei Lei Wang Ekvall

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 4, 2021

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8:08-17206 Palmdale Hills Property, LLC

Chapter 11

Adv#: 8:18-01024 SPEIER v. SUNCAL MANAGEMENT, LLC et al

#35.00 CON'TD STATUS CONFERENCE RE: Second Amended Complaint: (1) For Declaratory Relief, (2) In the Alternative, Breach of Contract; (3) Restitution and/or Unjust Enrichment; and (4) To Avoid and Recover Fraudulent Transfers
[Debtor: SunCal Summit Valley, LLC]

FR: 8-1-18; 9-11-18; 5-2-18; 5-7-19; 9-26-19; 12-17-19; 1-9-20; 3-26-20;
4-27-20; 5-28-20; 5-29-20; 12-17-20; 1-28-21

Docket 68

***** VACATED *** REASON: CONTINUED TO 12/16/2021 AT 2:00 P.M.,
Per Order Entered 7/27/2021 (XX)**

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 12/16/2021 at 2:00 p.m.,
Per Order Entered 7/27/2021 (XX) - td (7/27/2021)**

Tentative Ruling:

May 28, 2020

Continue status conference to May 29, 2020 at 2:00 p.m.

January 28, 2021

The following tentative ruling applies to matters 2, 4, 6, 9, 10, 11,

Continue Status Conference to November 4, 2021 at 2:00 p.m., same date/time set for Motion for Partial Summary Adjudication (XX)

Party Information

Debtor(s):

Palmdale Hills Property, LLC

Represented By
Paul J Couchot

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 4, 2021

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CONT... Palmdale Hills Property, LLC

Chapter 11

Peter W Lianides
Richard W Esterkin
Asa S Hami
Charles Liu
James M Miller
Raymond H. Aver
Sean A OKeefe
Marc J Winthrop
Martin Pritikin
Selia M Acevedo
Francis T Donohue
Richard H Golubow
Louis R Miller
Jeffrey W Broker
Kavita Gupta
Garrick A Hollander
R Grace Rodriguez
Lei Lei Wang Ekvall
Mike D Neue

Defendant(s):

SUNCAL MANAGEMENT, LLC

Represented By
Craig H Averch

Argent Management LLC

Represented By
Craig H Averch

Plaintiff(s):

STEVEN M. SPEIER

Represented By
Evan C Borges
Mike D Neue
William N Lobel
Gary A Pemberton
Brianna L Frazier

Trustee(s):

Steven M Speier (TR)

Represented By

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, November 4, 2021

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CONT...

Palmdale Hills Property, LLC

Chapter 11

Louis R Miller
Mike D Neue
Lei Lei Wang Ekvall

**United States Bankruptcy Court
Central District of California
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Courtroom 5A Calendar**

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8:08-17206 Palmdale Hills Property, LLC

Chapter 11

Adv#: 8:18-01025 SPEIER v. SUNCAL MANAGEMENT, LLC et al

#36.00 CONT'D STATUS CONFERENCE RE: Second Amended Complaint: (1) To Avoid and Recover Preferential Transfers; (2) For Declaratory Relief, (3) In the Alternative, Breach of Contract; (4) Restitution and/or Unjust Enrichment; and (5) To Avoid and Recover Fraudulent Transfers
[Debtor: SunCal Bickford Ranch, LLC]

FR: 8-1-18; 9-11-18; 5-2-18; 5-7-19; 9-26-19; 12-17-19; 1-9-20; 3-26-20;
4-27-20; 5-28-20; 5-29-20; 12-17-20; 1-28-21

Docket 77

***** VACATED *** REASON: CONTINUED TO 12/16/2021 AT 2:00 P.M.,
Per Order Entered 7/27/2021 (XX)**

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 12/16/2021 at 2:00 p.m.,
Per Order Entered 7/27/2021 (XX) - td (7/27/2021)**

Tentative Ruling:

May 28, 2020

Continue status conference to May 29, 2020 at 2:00 p.m.

January 28, 2021

The following tentative ruling applies to matters 2, 4, 6, 9, 10, 11,

Continue Status Conference to November 4, 2021 at 2:00 p.m., same date/time set for Motion for Partial Summary Adjudication (XX)

Party Information

Debtor(s):

Palmdale Hills Property, LLC

Represented By
Paul J Couchot

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 4, 2021

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CONT... Palmdale Hills Property, LLC

Chapter 11

Peter W Lianides
Richard W Esterkin
Asa S Hami
Charles Liu
James M Miller
Raymond H. Aver
Sean A OKeefe
Marc J Winthrop
Martin Pritikin
Selia M Acevedo
Francis T Donohue
Richard H Golubow
Louis R Miller
Jeffrey W Broker
Kavita Gupta
Garrick A Hollander
R Grace Rodriguez
Lei Lei Wang Ekvall
Mike D Neue

Defendant(s):

SUNCAL MANAGEMENT, LLC

Represented By
Craig H Averch

Argent Management LLC

Represented By
Craig H Averch

Plaintiff(s):

STEVEN M. SPEIER

Represented By
Evan C Borges
Mike D Neue
William N Lobel
Gary A Pemberton
Brianna L Frazier

Trustee(s):

Steven M Speier (TR)

Represented By

**United States Bankruptcy Court
Central District of California
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Palmdale Hills Property, LLC

Chapter 11

Louis R Miller
Mike D Neue
Lei Lei Wang Ekvall

**United States Bankruptcy Court
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8:08-17206 Palmdale Hills Property, LLC

Chapter 11

Adv#: 8:18-01026 Speier v. SunCal Management LLC et al

#37.00 CON'TD STATUS CONFERENCE RE: Second Amended Complaint: (1) To Avoid and Recover Preferential Transfers; (2) For Declaratory Relief, (3) In the Alternative, Breach of Contract; (4) Restitution and/or Unjust Enrichment; and (5) to Avoid and Recover Fraudulent Transfers **[Debtor: SunCal Emerald Meadows, LLC]**

FR: 8-1-18; 9-11-18; 5-2-18; 5-7-19; 9-26-19; 12-17-19; 1-9-20; 3-26-20; 4-27-20; 5-28-20; 5-29-20; 12-17-20; 1-28-21

Docket 69

***** VACATED *** REASON: CONTINUED TO 12/16/2021 AT 2:00 P.M.,
Per Order Entered 7/27/2021 (XX)**

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 12/16/2021 at 2:00 p.m.,
Per Order Entered 7/27/2021 (XX) - td (7/27/2021)**

Tentative Ruling:

May 28, 2020

Continue status conference to May 29, 2020 at 2:00 p.m.

January 28, 2021

The following tentative ruling applies to matters 2, 4, 6, 9, 10, 11,

Continue Status Conference to November 4, 2021 at 2:00 p.m., same date/time set for Motion for Partial Summary Adjudication (XX)

Party Information

Debtor(s):

Palmdale Hills Property, LLC

Represented By

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Palmdale Hills Property, LLC

Chapter 11

Paul J Couchot
Peter W Lianides
Richard W Esterkin
Asa S Hami
Charles Liu
James M Miller
Raymond H. Aver
Sean A OKeefe
Marc J Winthrop
Martin Pritikin
Selia M Acevedo
Francis T Donohue
Richard H Golubow
Louis R Miller
Jeffrey W Broker
Kavita Gupta
Garrick A Hollander
R Grace Rodriguez
Lei Lei Wang Ekvall
Mike D Neue

Defendant(s):

SunCal Management LLC

Represented By
Craig H Averch

Argent Management, LLC

Represented By
Craig H Averch

Plaintiff(s):

Steven M Speier

Represented By
Mike D Neue
Gary A Pemberton
Brianna L Frazier

Trustee(s):

Steven M Speier (TR)

Represented By
Louis R Miller

**United States Bankruptcy Court
Central District of California
Santa Ana
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Palmdale Hills Property, LLC

Chapter 11

Mike D Neue
Lei Lei Wang Ekvall

**United States Bankruptcy Court
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8:08-17206 Palmdale Hills Property, LLC

Chapter 11

Adv#: 8:18-01125 Speier v. SunCal Management LLC et al

#38.00 CON'TD STATUS CONFERENCE RE: Second Amended Complaint: (1) For Declaratory Relief; (2) In the Alternative, Breach of Contract; (3) Restitution and/or Unjust Enrichment; (4) To Avoid and Recover Fraudulent Transfers; and (5) To Avoid and Recover Preferential Transfers
[Debtor: SunCal Marblehead, LLC]

FR: 8-1-18; 9-11-18; 5-2-18; 5-7-19; 9-26-19; 12-17-19; 1-9-20; 3-26-20;
4-27-20; 5-28-20; 5-29-20; 12-17-20; 1-28-21

Docket 105

***** VACATED *** REASON: CONTINUED TO 12/16/2021 AT 2:00 P.M.,
Per Order Entered 7/27/2021 (XX)**

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 12/16/2021 at 2:00 p.m.,
Per Order Entered 7/27/2021 (XX) - td (7/27/2021)**

Tentative Ruling:

May 28, 2020

Continue status conference to May 29, 2020 at 2:00 p.m.

January 28, 2021

Continue Status Conference to November 4, 2021 at 2:00 p.m. (XX)

Party Information

Debtor(s):

Palmdale Hills Property, LLC

Represented By
Paul J Couchot
Peter W Lianides
Richard W Esterkin

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Palmdale Hills Property, LLC

Chapter 11

Asa S Hami
Charles Liu
James M Miller
Raymond H. Aver
Sean A OKeefe
Marc J Winthrop
Martin Pritikin
Selia M Acevedo
Francis T Donohue
Richard H Golubow
Louis R Miller
Jeffrey W Broker
Kavita Gupta
Garrick A Hollander
R Grace Rodriguez
Lei Lei Wang Ekvall
Mike D Neue

Defendant(s):

SunCal Management LLC

Represented By
Craig H Averch
Doah Kim
Aalok Sharma

Argent Management, LLC

Represented By
Craig H Averch
Doah Kim
Aalok Sharma

Plaintiff(s):

Steven M Speier

Represented By
Mike D Neue
Gary A Pemberton
Heather B Dillion
Brianna L Frazier

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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CONT... Palmdale Hills Property, LLC

Chapter 11

Trustee(s):

Steven M Speier (TR)

Represented By
Louis R Miller
Mike D Neue
Lei Lei Wang Ekvall

**United States Bankruptcy Court
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8:08-17206 Palmdale Hills Property, LLC

Chapter 11

Adv#: 8:18-01126 Speier v. SunCal Management, LLC et al

#39.00 CON'TD STATUS CONFERENCE RE: Second Amended Complaint: (1) For Declaratory Relief, (2) In the Alternative, Breach of Contract; (3) Restitution and/or Unjust Enrichment; (4) To Avoid and Recover Fraudulent Transfers; and (5) To Avoid and Recover Preferential Transfers
[Debtor: SunCal Heartland, LLC]

FR: 8-1-18; 9-11-18; 5-2-18; 5-7-19; 9-26-19; 12-17-19; 1-9-20; 3-26-20;
4-27-20; 5-28-20; 5-29-20; 12-17-20; 1-28-21

Docket 99

***** VACATED *** REASON: CONTINUED TO 12/16/2021 AT 2:00 P.M.,
Per Order Entered 7/27/2021 (XX)**

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 12/16/2021 at 2:00 p.m.,
Per Order Entered 7/27/2021 (XX) - td (7/27/2021)**

Tentative Ruling:

May 28, 2020

Continue status conference to May 29, 2020 at 2:00 p.m.

January 28, 2021

Continue Status Conference to November 4, 2021 at 2:00 p.m. (XX)

Party Information

Debtor(s):

Palmdale Hills Property, LLC

Represented By
Paul J Couchot
Peter W Lianides
Richard W Esterkin

**United States Bankruptcy Court
Central District of California
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Judge Erithe Smith, Presiding
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Palmdale Hills Property, LLC

Chapter 11

Asa S Hami
Charles Liu
James M Miller
Raymond H. Aver
Sean A OKeefe
Marc J Winthrop
Martin Pritikin
Selia M Acevedo
Francis T Donohue
Richard H Golubow
Louis R Miller
Jeffrey W Broker
Kavita Gupta
Garrick A Hollander
R Grace Rodriguez
Lei Lei Wang Ekvall
Mike D Neue

Defendant(s):

SunCal Management, LLC

Represented By
Craig H Averch
Aalok Sharma

Argent Management, LLC

Represented By
Craig H Averch
Aalok Sharma

Plaintiff(s):

Steven M Speier

Represented By
Mike D Neue
Gary A Pemberton
Heather B Dillion
Brianna L Frazier

Trustee(s):

Steven M Speier (TR)

Represented By
Louis R Miller

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Palmdale Hills Property, LLC

Chapter 11

Mike D Neue
Lei Lei Wang Ekvall

**United States Bankruptcy Court
Central District of California
Santa Ana
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8:08-17206 Palmdale Hills Property, LLC

Chapter 11

Adv#: 8:18-01127 Speier v. SunCal Management LLC et al

#40.00 CON'TD STATUS CONFERENCE RE: Second Amended Complaint: (1) For Declaratory Relief, (2) In the Alternative, Breach of Contract; (3) Restitution and/or Unjust Enrichment; (4) To Avoid and Recover Fraudulent Transfers
[Debtor: SunCal Northlake, LLC]

FR: 8-1-18; 9-11-18; 5-2-18; 5-7-19; 9-26-19; 12-17-19; 1-9-20; 3-26-20;
4-27-20; 5-28-20; 5-29-20; 12-17-20; 1-28-21

Docket 98

***** VACATED *** REASON: CONTINUED TO 12/16/2021 AT 2:00 P.M.,
Per Order Entered 7/27/2021 (XX)**

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 12/16/2021 at 2:00 p.m.,
Per Order Entered 7/27/2021 (XX) - td (7/27/2021)**

Tentative Ruling:

May 28, 2020

Continue status conference to May 29, 2020 at 2:00 p.m.

January 28, 2021

Continue Status Conference to November 4, 2021 at 2:00 p.m. (XX)

Party Information

Debtor(s):

Palmdale Hills Property, LLC

Represented By
Paul J Couchot
Peter W Lianides
Richard W Esterkin
Asa S Hami

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 4, 2021

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Palmdale Hills Property, LLC

Chapter 11

Charles Liu
James M Miller
Raymond H. Aver
Sean A OKeefe
Marc J Winthrop
Martin Pritikin
Selia M Acevedo
Francis T Donohue
Richard H Golubow
Louis R Miller
Jeffrey W Broker
Kavita Gupta
Garrick A Hollander
R Grace Rodriguez
Lei Lei Wang Ekvall
Mike D Neue

Defendant(s):

SunCal Management LLC

Represented By
Craig H Averch
Aalok Sharma

Argent Management, LLC

Represented By
Craig H Averch
Aalok Sharma

Plaintiff(s):

Steven M Speier

Represented By
Mike D Neue
Gary A Pemberton
Heather B Dillion
Brianna L Frazier

Trustee(s):

Steven M Speier (TR)

Represented By
Louis R Miller
Mike D Neue

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

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Palmdale Hills Property, LLC

Lei Lei Wang Ekvall

Chapter 11

**United States Bankruptcy Court
Central District of California
Santa Ana
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Courtroom 5A Calendar**

Thursday, November 4, 2021

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8:08-17206 Palmdale Hills Property, LLC

Chapter 11

Adv#: 8:18-01128 Speier v. SunCal Management LLC et al

#41.00 CON'TD STATUS CONFERENCE RE: Second Amended Complaint: (1) For Declaratory Relief, (2) In the Alternative, Breach of Contract; (3) Restitution and/or Unjust Enrichment; and (4) to Avoid and Recover Fraudulent Transfers
[Debtor: LBL-SunCal Oak Valley, LLC]

FR: 8-1-18; 9-11-18; 5-2-18; 5-7-19; 9-26-19; 12-17-19; 1-9-20; 3-26-20;
4-27-20; 5-28-20; 5-29-20; 12-17-20; 1-28-21

Docket 98

***** VACATED *** REASON: CONTINUED TO 12/16/2021 AT 2:00 P.M.,
Per Order Entered 7/27/2021 (XX)**

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 12/16/2021 at 2:00 p.m.,
Per Order Entered 7/27/2021 (XX) - td (7/27/2021)**

Tentative Ruling:

May 28, 2020

Continue status conference to May 29, 2020 at 2:00 p.m.

January 28, 2021

Continue Status Conference to November 4, 2021 at 2:00 p.m. (XX)

Party Information

Debtor(s):

Palmdale Hills Property, LLC

Represented By
Paul J Couchot
Peter W Lianides
Richard W Esterkin
Asa S Hami

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 4, 2021

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Palmdale Hills Property, LLC

Chapter 11

Charles Liu
James M Miller
Raymond H. Aver
Sean A OKeefe
Marc J Winthrop
Martin Pritikin
Selia M Acevedo
Francis T Donohue
Richard H Golubow
Louis R Miller
Jeffrey W Broker
Kavita Gupta
Garrick A Hollander
R Grace Rodriguez
Lei Lei Wang Ekvall
Mike D Neue

Defendant(s):

SunCal Management LLC

Represented By
Craig H Averch
Aalok Sharma

Argent Management, LLC

Represented By
Craig H Averch
Aalok Sharma

Plaintiff(s):

Steven M Speier

Represented By
Mike D Neue
Gary A Pemberton
Heather B Dillion
Brianna L Frazier

Trustee(s):

Steven M Speier (TR)

Represented By
Louis R Miller
Mike D Neue

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Palmdale Hills Property, LLC

Lei Lei Wang Ekvall

Chapter 11

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 4, 2021

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8:08-17206 Palmdale Hills Property, LLC

Chapter 11

Adv#: 8:18-01129 Speier v. Argent Management, LLC et al

#42.00 CON'TD STATUS CONFERENCE RE: Second Amended Complaint: (1) For Declaratory Relief, (2) In the Alternative, Breach of Contract; (3) Restitution and/or Unjust Enrichment; (4) To Avoid and Recover Fraudulent Transfers; and (5) To Avoid and Recover Preferential Transfers
[Debtor: Delta Coves Venture LLC]

FR: 8-1-18; 9-11-18; 5-2-18; 5-7-19; 9-26-19; 12-17-19; 1-9-20; 3-26-20; 4-27-20; 5-28-20; 5-29-20; 12-17-20; 1-28-21

Docket 100

***** VACATED *** REASON: CONTINUED TO 12/16/2021 AT 2:00 P.M.,
Per Order Entered 7/27/2021 (XX)**

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 12/16/2021 at 2:00 p.m.,
Per Order Entered 7/27/2021 (XX) - td (7/27/2021)**

Tentative Ruling:

May 28, 2020

Continue status conference to May 29, 2020 at 2:00 p.m.

January 28, 2021

Continue Status Conference to November 4, 2021 at 2:00 p.m. (XX)

Party Information

Debtor(s):

Palmdale Hills Property, LLC

Represented By
Paul J Couchot
Peter W Lianides
Richard W Esterkin

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Palmdale Hills Property, LLC

Chapter 11

Asa S Hami
Charles Liu
James M Miller
Raymond H. Aver
Sean A OKeefe
Marc J Winthrop
Martin Pritikin
Selia M Acevedo
Francis T Donohue
Richard H Golubow
Louis R Miller
Jeffrey W Broker
Kavita Gupta
Garrick A Hollander
R Grace Rodriguez
Lei Lei Wang Ekvall
Mike D Neue

Defendant(s):

SunCal Management LLC

Represented By
Craig H Averch
Aalok Sharma

Argent Management, LLC

Represented By
Craig H Averch
Aalok Sharma

Plaintiff(s):

Steven M Speier

Represented By
Mike D Neue
Gary A Pemberton
Heather B Dillion
Brianna L Frazier

Trustee(s):

Steven M Speier (TR)

Represented By
Louis R Miller

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, November 4, 2021

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Palmdale Hills Property, LLC

Chapter 11

Mike D Neue
Lei Lei Wang Ekvall